

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
WAIPUILANI CONDOMINIUM  
Kihei Road  
Kihei, Maui, Hawaii

REGISTRATION NO. 334

### IMPORTANT — Read This Report Before Buying

#### This Report Is Not an Approval or Disapproval of This Condominium Project

It reflects information obtained by the Real Estate Commission in its investigation of the project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project but may only take reservations therefore after

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

Issued: June 23, 1970

Expires: July 23, 1971

#### SPECIAL ATTENTION

A comprehensive reading of the report is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JUNE 4, 1970 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED ON JUNE 16, 1970. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. The WAIPUILANI CONDOMINIUM is a proposed fee simple condominium project consisting of forty-two (42) dwelling units contained in a cluster of three (3) three-story residential apartment buildings with connecting roofs and stairways. Forty-four (44) uncovered parking stalls are available.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Preliminary Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved Floor Plans) have not been filed in the office of the recording officer.

4. The Developer has arranged for insurance by the Federal Housing Administration pursuant to Section 234 of Title II of the National Housing Act, as amended, of individual mortgages by qualified purchasers of apartments in the project. As a condition to its providing such insurance, the Federal Housing Administration requires that the Association of Apartment Owners enter into a Regulatory Agreement with that agency, whereby the Association may be regulated and restricted by that agency. The Regulatory Agreement is proposed to be executed. Purchasers of units in the project should, therefore, familiarize themselves with the provisions of the Regulatory Agreement.
5. No advertising or promotional matter has been submitted pursuant to rules and regulations promulgated by the Commission.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regime.
7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, June 23, 1970, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: WAIPUILANI CONDOMINIUM

LOCATION: The approximate 53,348 square feet, in fee simple, to be committed to the regime is situate on Kihei Road, Waiohuli-Keokea, Kula (Kihei), Island and County of Maui, State of Hawaii.

TAX KEY: SECOND DIVISION 3-9-01-57

ZONING: Apartment 11 (A-2), County of Maui

DEVELOPER: Waipuilani Hui Associates, a limited partnership, the principal place of business and post office address of which is 2121 Main Street, Wailuku, Maui, Hawaii. Telephone 244-9253. The limited partnership registered with the Department of Regulatory Agencies, State of Hawaii, on May 25, 1970. The general partners are:

Lawrence H. C. Ing and Joseph C. Kealoha, Jr.

ATTORNEY REPRESENTING DEVELOPER: Ueoka & Vail, 2121 Main Street, Wailuku, Maui, Hawaii. Telephone 244-3761.

DESCRIPTION: The proposed Enabling Declaration Establishing a Plan for Condominium Ownership (Declaration of Horizontal Property Regime) reflects that the project is to consist of forty-two (42) separately designated and legally described freehold estates, being the area or space contained in the perimeter walls of each of the apartment units in three (3) three-story concrete buildings. The plans submitted by the Developer reflects that the project shall also consist of a single-story office building with living accommodations, a cabana, a swimming pool with sundeck, and a sewage treatment plant.

The three buildings shall in total contain fourteen (14) apartments on each of the three floors, consisting of eleven (11) one-bedroom units and three (3) two-bedroom units. The combined total of thirty-three (33) one-bedroom units will contain one bedroom, a combination living room-dining room area, a kitchen, and a bathroom. The enclosed apartment areas will each have approximately 520 square feet and a lanai area of approximately 160 square feet, totaling a gross floor area of 680 square feet.

The combined total of eleven (11) two-bedroom units will contain two bedrooms, a combination living room-dining room area, a kitchen, and one-and-a-half

bathrooms. The enclosed apartment areas will each have approximately 329 square feet and a lanai area of approximately 125 square feet, totaling a gross-floor area of 954 square feet.

The immediate common elements to which each apartment has access will be a hall or passageway and two stairways. Numbering of each apartment is as follows:

First Floor: 101, 102, 103, 104, 105, 106, 107, 108,  
109, 110, 111, 112, 113, and 114.

Second Floor: 201, 202, 203, 204, 205, 206, 207, 208,  
209, 210, 211, 212, 213, and 214.

Third Floor: 301, 302, 303, 304, 305, 306, 307, 308,  
309, 310, 311, 312, 313, and 314.

Apartment numbers, the second and third digits of which ends in the number "12", "13", or "14" shall be two-bedroom apartments. All other apartments will be one-bedroom apartments.

COMMON ELEMENTS: The proposed Declaration of Horizontal Property Regime identifies the following as common elements: (a) undivided fee simple interest in the land; (b) all foundations, roof, main walls, staircases, lobbies, halls, slabs, entrances and exits of said buildings, parking area, laundry space, yard, refuse area, and swimming pool; (c) all ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, water, disposal, telephone, water tanks and pumps or the like or other utility lines; and (d) all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the buildings.

LIMITED COMMON ELEMENTS: Certain parts of the common elements called and designated "limited common elements" in the proposed Declaration are set aside and reserved for the exclusive use of certain apartments and such apartments will have appurtenant thereto an exclusive easement for the use of such limited common elements. Said limited common elements set aside and reserved are as follows: (a) one parking space designated by number will be assigned to each apartment and will be for the exclusive use of such apartment; and (b) entry hallway adjoining an apartment or apartments will be appurtenant to and for the exclusive use of such apartment or apartments which it adjoins.

INTEREST TO BE CONVEYED PURCHASER: The proposed Declaration reflects that percentage of the undivided interest in the common elements pertaining to each apartment and its owner for all purposes, including voting, is as follows:

One-bedroom apartments: 2.112% for each (33 units)  
Two-bedroom apartments: 3.367% for each (9 units)

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration states that the "apartment spaces" shall be occupied and used by the respective owners only as a private dwelling for the owner, his family, tenants and social guests and for no other purposes. The "apartment spaces" shall not be rented for transient or hotel purposes, which is defined a rental for any period less than thirty (30) days, or any rental if the occupants are provided customary hotel services, such as room service for food and beverage, maid service, furnishing laundry and linen, and bellboy service. Other than the foregoing obligations, the owners shall have the absolute right to lease the family units, provided that said lease is made subject to the covenants and restrictions contained in the Declaration, By-Laws and Regulatory Agreement

OWNERSHIP TO TITLE: The Notice of Intention states, and the Certificate of Title prepared May 26, 1970 by the licensed title abstractor, Long & Melone, Ltd., verifies that title to the land is vested in Lawrence N. C. Ing and Joseph G. Kealoha, Jr., General Partners for "Waipuilani Hui Associates," a limited partnership.

ENCUMBRANCES AGAINST TITLE: The title search identifies the following:  
Encroachment, of three (3) power poles and overhead wires running along the north line of property. Mortgage, dated June 18, 1969, recorded in Liber 6603, page 165, at the office of the recording officer in favor of Winston Hibler and Dorothy J. Hibler, general partners of the limited partnership of Pamakid Company, a California partnership registered in the State of Hawaii, Michael L. Bagnall and Emily T. Bagnall, husband and wife, and Herbert P. Brook and Olga Brook, husband and wife.

PURCHASE MONEY HANDLING: A copy of an Escrow Agreement dated June 4, 1970 has been executed and filed with the commission. The Escrow Agent is the Honolulu Trust Company, Limited. Upon examination, the executed Escrow Agreement is found to be in consonance with the provisions of Chapter 514, Hawaii Revised Statutes. The Developer advises that purchasers' funds will not be used for construction cost during construction. The executed Escrow Agreement states that escrowed funds shall not be disbursed until such time as construction of the building is completed and the property has been released from any existing liens and encumbrances, if any, except under certain conditions contained in the Escrow Agreement.

It is incumbent upon the purchaser and prospective purchaser that he reads the Contract of Sale and the executed Escrow Agreement. The latter establishes how the proceeds from the sale of dwelling units and funds from other sources are placed in trust, as well as the retention and disbursement of said trust funds.

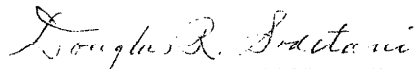
MANAGEMENT AND OPERATIONS: Administration of the project, as proposed in the specimen Declaration will be vested in the Association of Apartment Owners. The proposed By-Laws of the Association of Apartment Owners grant the Board of Directors the powers and duties necessary for the administration of the affairs of the Association. The Board of Directors may employ for the Association a management agent or manager. No property management agent or manager has been identified as at the date of the issuance of this Preliminary Public Report.

STATUS OF PROJECT: Construction of the project has not yet begun, but it is anticipated that it shall commence on or about November 1, 1970. As yet, the Developer has not entered into a construction contract for the construction of buildings.

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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted June 4, 1970, and additional information subsequently filed on June 16, 1970.

The PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 334 filed with the Commission on June 4, 1970.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be yellow in color.



DOUGLAS R. SODETANI, Vice Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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Distribution:  
DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING COMMISSION, COUNTY OF MAUI  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

June 23, 1970  
Registration No. 334